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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,501	02/25/2002	David E. Albrecht	505-05	1167

7590 06/30/2003
William H. Eilberg
420 Old York Road
Jenkintown, PA 19046

EXAMINER

BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,501

Applicant(s)

ALBRECHT, DAVID E. *cd*

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-37, 39 and 40 is/are rejected.
- 7) ☒ Claim(s) 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Quevedo del Rio.

In regard to claim 28, Lambert discloses an apparatus 22, comprising:

a one-piece plate 26, the plate having a flat portion having a plurality of bolt holes 62, and a domed portion 24 connected directly to the flat portion,

(the recitation that “the domed portion defining a surface which is convex in a direction opposite the fluid flow” is given little patentable weight because a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

wherein the domed portion 24 is substantially rigid, non-rupturable and non-perforated.

In regard to claim 29, there are four bolt holes (see fig. 4) disposed symmetrically around the domed portion.

In regard to claim 30, the domed portion 24 extends across a generally circular region which matches a port to be blocked.

In regard to claim 31, the domed portion 24 transitions smoothly from a flat surface 26 of the plate to an apex of the domed portion.

3. Claims 32 and 34-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller.

In regard to claim 32, Miller discloses an apparatus (fig. 6) for providing a controlled flow of fluid from a first component 15 to a second fluid component 17, comprising:

a one-piece orifice plate 11a, the orifice plate including a domed portion 22 and a plurality of bolt holes 13,

the domed portion 22 defining a surface which is convex in a direction of the first component 16,

wherein the domed portion 22 includes an orifice 20a.

In regard to claim 34, the domed portion 22 defines a central region, and wherein the orifice 20a is located in the central region of the domed portion.

In regard to claim 35, the domed portion 22 transitions smoothly from a flat surface 11a of the orifice plate to an apex 23 of the domed portion.

4. Claims 36 and 39-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Puffer et al.

In regard to claim 36, Puffer discloses an apparatus for providing an interface between a fluid port and a fluid handling component, comprising:

a one-piece sealing plate 1, the sealing plate including a central bore 5, the sealing plate also including a plurality of bolt holes, the sealing plate having an upstream side N and a downstream side I

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wherein the central bore transitions smoothly from a larger diameter portion 6 to a smaller diameter portion 4, wherein substantially all of the central bore comprises a flow path for fluid,

a flange body F defining a housing for a fluid handling component I, the flange body F and the sealing plate 1 having planar surfaces which abut each other along the downstream side of the sealing plate, the sealing plate being an unbroken material at the central bore,

wherein the sealing plate 1 comprises a structural support for the fluid handling component I.

In regard to claim 39, the fluid handling component includes at least one seal G, and wherein the smaller diameter portion of the central bore 4 is smaller than a diameter of the at least one seal G.

In regard to claim 40, the sealing plate I includes at least one face seal G.

Claim Rejections - 35 USC § 103

5. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller.

Miller discloses an apparatus as described above, but Miller does not disclose that the plate has 4 bolt holes. However it would have been obvious to add additional bolt holes because duplicating the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

6. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Puffer.

Puffer discloses an apparatus as described above, but Puffer does not disclose that the plate has 1 bolt holes. However it would have been obvious to add additional bolt holes because duplicating

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the components of a prior art device is a design consideration within the skill of the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Allowable Subject Matter

7. Claim 38 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to claims 28-37 and 39-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



David Bochna
June 27, 2003